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July 13, 2022

Via ECF & Courtesy Copy via CronanNYSDChambers@nysd.uscourts.gov

The Honorable John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, New York 10007

RE: JOSEPH MARCEL ETIENNE JEAN POIX v. SUSIBEL ALTAGRACIA ESPAILLAT SANTANA Case No.
22-cv-4980

Dear Judge Cronan:

Greetings your Honor and I hope this letter finds you and all court personnel very well. As you know we now represent the defendant the mother Espillat Santana in this matter. As petitioner's counsel mentions in his letter dated July 11, 2022, she retained our services last week on July 5, 2022.

Since that day, our firm immediate reviewed and prepared the Verified Answer which constituted the Respondent's Response to the Petition for the Return of Child. *Even though we were retained a mere three (3) days before the pro se deadline set by the Court, we strove to diligently and almost impossibly answer the Petition within that deadline, on Friday July 8, 2022 which we did.* (The defense is predicated on the domestic abuse suffered by the mother at the hands of the father in the DR.) However, we are now requesting that this Court grant us limited additional time to even minimally prepare for the trial of this international case.

We have attempted to meet and confer with counsel who has substantially refused to confer merely stating that he will agree to "no extensions" for his one-sided proposed schedule ... and to otherwise "make my application to the Court", and has been completely inflexible on agreeing to any extension of time whatsoever - despite the fact that he has had the strategic advantage of working this case for many months, and we, for one week.

We most respectfully request a trial date sometime in October 2022, as that would give us sufficient time to collect and translate all the necessary documents and exhibits, conduct expedited discovery which would also be necessary for the depositions. We are also in the late summer vacation months of July and August and therefore operating at a minimal staff level and have preplanned family vacations. This quite reasonable adjournment request therefore is crucial for even a *minimally meaningful representation* of our client, to level the playing field of respective counsel and not for any dilatory purpose.

Therefore, we propose the following alternative case management plan and scheduling order:

Any motion for leave to amend or join additional parties shall be filed by 9/2/22.

Fact Discovery-

All Fact Discovery shall be completed no later than- 9/9/22

Initial requests for production of documents shall be served by - 8/28/22

Interrogatories shall be served by - 8/28/22

Depositions shall be completed by -9/9/22

Requests to admit shall be served by 8/28/22

Expert Discovery-

All expert discovery, including expert depositions, shall be completed no later than- 9/9/22

Plaintiff's expert disclosures pursuant to FRCP Rule 26 (a)(2) shall be made on or before - 8/28/22 and any rebuttal by 9/5/22

Defendant's expert disclosures pursuant to FRCP Rule 26 (a)(2) shall be made on or before - 8/28/22 and any rebuttal by 9/5/22

All discovery must be completed by 9/12/22

The foregoing proposed case management scheduled has been included in a document bearing the case heading, titled "RESPONDENT'S PROPOSED CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER".

Thank you for your time and consideration in this matter.

Respectfully submitted,

/s/ S. Michael Musa Obregon,
S. Michael Musa Obregon, Esq.

The request is granted in part. While this case must proceed on an expedited schedule, given Respondent's recent retention of counsel, the evidentiary hearing, Dkt. 10, is adjourned to August 17, 2022 at 10:00 a.m. The hearing will take place in Courtroom 12D of the Daniel P. Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007. Counsel shall meet and confer and file a proposed case management plan in accordance with this schedule by July 15, 2022.

SO ORDERED
Date: July 14, 2022
New York, New York


JOHN P. CRONAN
United States District Judge